

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

**ASSENTED-TO MOTION FOR ORDER
REGARDING PRODUCTION OF APPLICATION FILES**

Defendant President and Fellows of Harvard College (“Harvard”) moves the Court to enter an order regarding the production of redacted application files, so that Harvard may comply with its obligations under the Family Educational Rights and Privacy Act (“FERPA”).

In Harvard’s June 15, 2015 responses to SFFA’s Requests for Production, which requested that Harvard produce freshman application files, Harvard agreed to produce a total of 160 redacted application files from the 2014-2015 admissions cycle, with each party selecting 80. Harvard will soon be prepared to produce its selection of 80 application files consistent with this response. FERPA allows disclosure of records that “contain information directly related to a student” only under specified conditions, 20 U.S.C. § 1232g(a)(4), including “in compliance with judicial order,” *id.* § 1232g(b)(2)(B). Harvard therefore requests that the Court enter the attached proposed order so that it may produce redacted application files to SFFA.

SFFA does not oppose this motion but notes its position that the production of these materials does not fulfill Harvard’s discovery obligations in response to item 24 of SFFA’s

Requests for Production and is without prejudice to SFFA's right to seek the production of additional application files.

Respectfully submitted,

/s/ Felicia H. Ellsworth

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Dated: March 13, 2017

*Counsel for Defendant President and
Fellows of Harvard College*

LOCAL RULE 7.1 CERTIFICATION

In accordance with Local Rule 7.1(a)(2), I hereby certify that SFFA assents to the relief requested in this motion.

/s/ Felicia H. Ellsworth
Felicia H. Ellsworth

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Felicia H. Ellsworth
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